

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BEHZADI & BRENJIAN CARPET

Plaintiff,

**ANSWER**

-against-

Docket No. 07-CV-7073

**Judge/Magistrate Judge:** Barbara S. Jones/Douglas F. Eaton

DAVID & SON ORIENTAL ANTIQUE  
RUGS CORPORATION and  
DAVID SHADAN

Defendant(s).

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Defendants, David & Son Oriental Antique Rugs Corporation ("David & Son") and David Shadan ("Shadan"), by and through their counsel, the Law Office of James J. Corbett, hereby submits their Answer to the Complaint as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph "1" of the plaintiff's complaint and denies defendants breached multiple agreements to purchase various carpets.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph "2" of the plaintiff's complaint and refers all questions of law to the Court.

3. With regard to paragraph "3" refers all questions of law to the Court and denies David & Son lacks corporate formalities and commingles funds with Shadan.

4. With regard to paragraph "4" denies all allegations except admits Shadan is the Chairman and Chief Executive Officer of David & Son.

5. With regard to paragraph "5" and "6" refers all questions of law to the Court.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs “7”, “8”, “9”, “10”, “11”, “13”, “14”, “15”, “16”, “17”, “19”, “20”, “21”, “22”, “23”, “25”, “26”, “27”, “28”, “29”, “31”, “32”, “33”, “34”, “35”, “37”, “38”, “39”, “40”, “41”, “43”, “44”, “45”, “46”, “47”, “49”, “50”, “51”, “52” and “53” of the plaintiff’s complaint.

7. Denies the allegations contained in paragraphs “12”, “18”, “24”, “30”, “36”, “42”, “48” and “54” of plaintiff’s complaint.

AS AND FOR AN ANSWER TO  
PLAINTIFF’S FIRST CLAIM FOR RELIEF

8. With regard to paragraph “55”, defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph “1” through “7” of defendants’ answer with the same force and effect as if repeated herein at length.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs “56”, “57” and “58”.

10. Denies the allegations contained in paragraphs “59” and “60” plaintiff’s complaint.

AS AND FOR AN ANSWER TO  
PLAINTIFF’S SECOND CLAIM FOR RELIEF

11. With regard to paragraph “61”, defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph “1” through “10” of defendants’ answer with the same force and effect as if repeated herein at length.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs “62”, “63” and “64”.

13. Denies the allegations contained in paragraphs “65” and “66” of plaintiff’s complaint.

AS AND FOR AN ANSWER TO  
PLAINTIFF'S THIRD CLAIM FOR RELIEF

14. With regard to paragraph "67", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "13" of defendants' answer with the same force and effect as if repeated herein at length.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs "68", "69" and "70" of the plaintiff's complaint.

16. Denies the allegations contained in paragraphs "71" and "72" of plaintiff's complaint.

AS AND FOR AN ANSWER TO  
PLAINTIFF'S FOURTH CLAIM FOR RELIEF

17. With regard to paragraph "73", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "16" of defendants' answer with the same force and effect as if repeated herein at length.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs "74", "75" and "76" of the plaintiff's complaint.

19. Denies the allegations contained in paragraphs "77" and "78" of plaintiff's complaint.

AS AND FOR AN ANSWER TO  
PLAINTIFF'S FIFTH CLAIM FOR RELIEF

20. With regard to paragraph "79", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "19" of defendants' answer with the same force and effect as if repeated herein at length.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs "80", "81" and "82" of the plaintiff's complaint.

22. Denies the allegations contained in paragraphs "83" and "84" of plaintiff's complaint.

AS AND FOR AN ANSWER TO  
PLAINTIFF'S SIXTH CLAIM FOR RELIEF

23. With regard to paragraph "85", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "22" of defendants' answer with the same force and effect as if repeated herein at length.

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs "86", "87" and "88" of the plaintiff's complaint.

25. Denies the allegations contained in paragraphs "89" and "90" of plaintiff's complaint.

AS AND FOR AN ANSWER TO  
PLAINTIFF'S SEVENTH CLAIM FOR RELIEF

26. With regard to paragraph "91", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "25" of defendants' answer with the same force and effect as if repeated herein at length.

27. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs "92", "93" and "94" of the plaintiff's complaint.

28. Denies the allegations contained in paragraphs "95" and "96" of plaintiff's complaint.

AS AND FOR AN ANSWER TO  
PLAINTIFF'S EIGHTH CLAIM FOR RELIEF

29. With regard to paragraph "97", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "28" of defendants' answer with the same force and effect as if repeated herein at length.

30. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraphs “98”, “99” and “100” of the plaintiff’s complaint.

31. Denies the allegations contained in paragraphs “101” and “102” of plaintiff’s complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred by the Statute of Frauds.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Plaintiff fails to state a cause of action against defendants.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

The Court lacks subject matter jurisdiction over this action.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

Plaintiff is estopped from bringing this action.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred in whole, or in part, by the applicable statute of limitations.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred by the doctrine of unclean hands.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred by laches.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

Any damages sustained by plaintiff are a result of its own wrongful and unlawful conduct.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

Plaintiff failed to mitigate any alleged damages.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of forum non conveniens.


WHEREFORE, the defendants, David & Son and Shadan, demand judgment as follows:

- (a) Dismissing the complaint in its entirety;
- (b) For its costs and disbursements including reasonable attorneys' fees; and
- (c) For such other and further relief as the Court deems just, equitable and proper.

Dated: Bellmore, New York  
December 21, 2007

Yours, etc.,

Law Office of James J. Corbett

By:   
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